IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.525 OF 2004
IN
LETTERS PATENT APPEAL NO.92 OF 2007
IN
WRIT PETITION NO.5436 OF 1996

The Chief Executive Officer,
Chiplun Municipal Council .. Appellant

Vs.

Devendra Pandurang Pandere .. Respondent

Mr.M.S.Topkar for the appellant

Mr.S.M.Dharap for the respondent

CORAM : J.N.PATEL &
A.A.SAYED, JJ.

DATED : 18TH APRIL, 2007

P.C.:

1. Heard.

2. In view of the undisputed fact that the respondent was in employment of the appellant Municipal Council for more than 240 days in the preceding year and the services were terminated

without complying with the provisions of section 25F of the Industrial Disputes Act, we do not find that the learned single Judge has committed any error or illegality in allowing the claim of the respondent with a direction to the appellant Municipal Council to pay back wages to the respondent from 1.1.87 to 30.3.87 and 1.7.87 to 30.6.94 by giving them the concession for deducting wages for the period of 2 years which were on account of delay on the part of the employee in approaching the Labour Tribunal.

3. The learned counsel for the appellant Council submits that the termination of the services of the respondent would stand determined from the date a candidate from reserved category is appointed and a candidate was appointed on 1.1.94 and therefore, he will be only entitled to have wages till 31.12.93. This fact situation is not much disputed. Therefore, the impugned order is modified to the extent that in so far as claim of back wages is concerned, it would be restricted to 31.12.93 only, otherwise we do not find any error or illegality committed by the learned single Judge

in granting the relief in favour of the respondent. Letters Patent Appeal stands disposed of accordingly. In view thereof, Civil Application does not survive and the same is also disposed of as infructuous.

(SHRI J.N. PATEL, J)

(SHRI A.A. SAYED, J)